

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

Master Civil No. 01-cv-12257

MDL No. 1456

THIS DOCUMENT RELATES TO
CLASS 1 (JOHNSON & JOHNSON
DEFENDANTS)

Judge Patti B. Saris

THE J&J DEFENDANTS' STATUS REPORT REGARDING CLASS 1 PROCEEDINGS

Johnson & Johnson, Centocor, Inc., and Ortho Biotech Products L.P. (the "J&J Defendants"), by their undersigned counsel, respectfully submit this Status Report regarding the Class 1 proceedings against the J&J Defendants:

1. On September 3, 2010 the Court issued a Memorandum and Order on the J&J Defendants' Motions for Summary Judgment Against the Members of Class 1. At footnote 1, the Court noted as follows: "Based on the plaintiffs' proffer, I find that [Mrs. Jimmie] Austed is an adequate class representative. J&J has yet to have the full allotted time to review Austed's medical records. In the event that J&J believes, following a complete review, that Austed is not an adequate class representative, J&J may file a motion for reconsideration and have her ousted."

2. To date, the J&J Defendants have not received a complete set of Ms. Austed's medical records. Certain medical records were produced in July 2010, but these relate only to the time period 2004-2010, as to which the Court has already granted summary judgment. *See id.* at 4. These medical records also appear to reflect that Ms. Austed had Medigap insurance through United Health Care. Thus, as of this writing, there is no evidence that the proffered class representative is a member of the class.

3. The J&J Defendants understand from Plaintiff's counsel that additional medical records will be produced at a future date. Per this Court's order dated July 6, 2010 the J&J Defendants will "file and serve any motion challenging Mrs. [A]justed's adequacy within 21 days of receipt of plaintiffs' notice of their belief that they have produced documents sufficient to establish that Mrs. [A]justed may adequately represent Class 1 and is a member of Class 1."

Dated: September 9, 2010

Respectfully submitted,

/s/ Adeel A. Mangi

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

I, Adeel A. Mangi, hereby certify that I am one of the attorneys for the J&J Defendants and that on September 9, 2010, I caused a copy of THE J&J DEFENDANTS' STATUS REPORT REGARDING CLASS 1 PROCEEDINGS to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Adeel A. Mangi

Adeel A. Mangi